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| 10/668,544 | 09/23/2003 | Thaddeus John Gabara | 90-6 | 2117 |

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| EXAMINER |
|---|
| CASCA, FRED A |

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| 2687 | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| **Office Action Summary** | 10/668,544 | GABARA ET AL. |
| | **Examiner** | **Art Unit** | |
| | Fred A. Casca | 2687 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 October 2005*.

2a)☒ This action is **FINAL.**    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All    b)☐ Some *    c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1.      This action is in response to applicant's amendment filed on October 28, 2005. Claims 1-

20 are still pending in the present application. **This Action is made FINAL.**

### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.      Claims 1-5, 8, 10-12, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Pub. No. 2002/0060995 A1, Cervello et al., in view of U.S. Pub. No. 2004/0203889

A1, Karaoguz.

Referring to claim 1, Cervello discloses a method for use in a wireless network

comprising a plurality of user devices adapted for communication with at least one access point

device (Figs. 1-2 Abstract and paragraph 9, "system for dynamically selecting a communication

link"), the method comprising the steps of initiating a test of a communication link between at

least one of the user devices and the access point device (Figs. 1-2, Abstract, and paragraphs

0008-0010, "determining whether a new channel to be used by the plurality of wireless station is

needed", "received signal strength indication (RSSI)").

Cervello does not specifically disclose **the test comprising a determination of data**

**throughput performance, and generating, based at least in part on a result of the test, an**

**instruction displayable to a user associated with a given one of the user devices, the**

**instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.**

Karaoguz discloses a method of determining optimal cell configuration based upon determined device location, which teaches **a test comprising a determination of data throughput performance** (page 4, paragraphs 41-44, "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", "additional information . . . data capabilities information such as data rate", note that test (evaluation and assessment) is initiated so that optimal locations are determined. Further note that data throughput performance (data rate) information is provided with corresponding optimal locations, hence it is inherent that the test comprises a determination of data throughput performance), **and generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance** (Abstract, Figures 1-5, 0006, 0008, and 0041-0042, "optimal location information", "optimal locations", "a recommendation signal", "Access Point", "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", note that test (evaluation and assessment) is performed to determine what is optimal location and a recommendation signal is transmitted to the wireless device as a result of the test. Further note that the test comprises determination of data throughput performance as indicated by the corresponding data rates).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Cervello by allowing the test to comprise a determination of data throughput performance, and providing generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance, as suggested by Karaoguz, motivation being for the purpose of providing the best available signal strength for the user, and consequently making wireless users happy.

Referring to claim 2, the combination of Cervello/Karaoguz disclose the method of claim 1, and further disclose the test comprises a test of a communication link between the given user device and the access point device (Cervello, Abstract, and paragraphs 0008-0010, "determining whether a new channel to be used by the plurality of wireless station is needed").

Referring to claim 3, the combination of Cervello/Karaoguz disclose the method of claim 1, and further disclose the test comprises a test of a communication link between one of the user devices, other than the given user device, and the access point device (Cervello, FIG. 1 and, paragraphs 0008-0010, 0023, note access point (AP) 2 is coupled to a plurality of mobile stations).

Referring to claim 4, the combination of Cervello/Karaoguz disclose the method of claim 1.

Cervello does not specifically disclose the location comprises a location at which the given user device is expected to obtain a maximum achievable level of data throughput performance.

Karaoguz discloses the location comprises a location at which the given user device is expected to obtain a maximum achievable level of data throughput performance (Abstract, 0006, 0041-0042, "optimal location information", "optimal locations").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Cervello by providing the location to comprise a location at which the given user device is expected to obtain a maximum achievable level of data throughput performance, as suggested by Karaoguz, motivation being for the purpose of providing the maximum available signal strength for the user, and consequently making wireless users happy.

Referring to claim 5, the combination of Cervello/Karaoguz disclose the method of claim 1.

Cervello does not disclose the given user device is at a current location, and the instruction is indicative of another location associated with an improved level of data throughput performance relative to that of the current location.

Karaogus discloses that the given user device is at a current location, and the instruction is indicative of another location associated with an improved level of data throughput performance relative to that of the current location (Abstract, 0006, 0041-0042, "optimal location

information", "optimal locations", note that one or more optimal location information is provided).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Cervello by providing the given user device to be at a current location, and the instruction to be indicative of another location associated with an improved level of data throughput performance relative to that of the current location, as suggested by Karaoguz, motivation being for the purpose of providing the best available signal strength for the user, and consequently making wireless users happy.

Referring to claim 8, the combination of Cervello/Karaoguz disclose the method of claim 1, and further disclose the test comprises a test of at least one of an uplink communication channel between the user device and the access point device and a downlink communication channel between the user device and the access point device (Cervello, Abstract, and paragraphs 0008-0010, "RSSI", note that signal strength is tested to determine best access point, hence at least one of an uplink communication channel between the user device and the access point device and a downlink communication channel between the user device and the access point device is tested).

Referring to claim 10, the combination of Cervello/Karaoguz disclose the method of claim 1, and further disclose the test comprises a test sequence involving the transmission of a plurality of known packets at different bit rates between the at least one user device and the access point device (Cervello, Abstract, 0008-0009 and 0036, "packet error rate PER").

Referring to claim 11, the combination of Cervello/Karaoguz disclose the method, of claim 10, and further disclose the test sequence is initiated by the at least one user device, and the packets are transmitted to the access point device and returned from the access point device to the at least one user device (Cervello, paragraph 0028, note when the user device moves away from its existing access device weakening its signal strength transmission and a new channel selection is initiated, hence the test sequence is initiated by the user device).

.....Referring to claim 12, the combination of Cervello/Karaoguz disclose the method of claim 10, and further disclose the test sequence is initiated by the access point device,

and the packets are transmitted from the access point device to the at least one user device (Cervello, paragraphs 0025-0031).

Referring to claim 15, the combination of Cervello/Karaoguz disclose the method of claim 1 (as rejected above).

The combination of Cervello/Karaoguz does not specifically disclose the generated instruction comprises an indication of a particular seating location in a group of seating locations within a given facility.

At the time the invention was made, it would have been to a person of ordinary skill in the art to provide the system of Cervello/Karaogus to comprise a particular seating location in a group of seating locations within a given facility, e.g., a restaurant. Applicant has not disclosed that a particular seating location in a group of seating locations within a given facility provides

an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill

in the art, furthermore, would have expected Applicant's invention to perform equally well with

any particular area because it would not matter if the particular area were an area where people

were sitting or standing.

Therefore, it would have been obvious to one of the ordinary skill in this art to modify the

system of Cervello/Karaogus to obtain the invention as specified in claim 15.

Referring to claim 16, the combination of Cervello/Karaoguz disclose the method of

claim 1, and further disclose the user device is compatible with at least one of the 802.11a

standard, the 802.11b standard and the 802.11g standard (Cervello, Abstract, and paragraphs

0003, 0006-0008, 0011, 0022-0023, 0025, 0037 and 0045).

Referring to claim 17, Cervello discloses an apparatus for use in a wireless network

including a plurality of user devices adaptable for communication with at least one access point

device (Figs. 1-2, Abstract, and paragraphs 0008-0010, "determining whether a new channel to

be used by the plurality of wireless station is needed", "system for dynamically selecting a

communication link"), the apparatus comprising a processing device having a processor coupled

to a memory, the processing device comprising at least one of a user device and an access point

device of the wireless network (FIG. 1-2, paragraphs 0008-0010, and 0023-0026, "CPU",

"RAM", "ROM"), wherein the processing device is configurable to initiate a test of a

communication link associated with at least one of the user devices (Abstract, and paragraphs

0008-0010, and 0023-0026, "determining whether a new channel to be used by the plurality of wireless station is needed").

Cervello does not specifically disclose **the test comprising a determination of data throughput performance, and to generate, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.**

Karaoguz discloses **the test comprising a determination of data throughput performance** (page 4, paragraphs 41-44, "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", "additional information . . . data capabilities information such as data rate", note that test (evaluation and assessment) is initiated so that optimal locations are determined. Further note that data throughput performance (data rate) information is provided with corresponding optimal locations, hence it is inherent that the test comprises a determination of data throughput performance), **and to generate, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance** (Abstract, Figures 1-5, 0006, 0008, and 0041-0042, "optimal location information", "optimal locations", "a recommendation signal", "Access Point", "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", note that test (evaluation and assessment) is performed to determine what is optimal location and a

recommendation signal is transmitted to the wireless device as a result of the test. Further note that the test comprises determination of data throughput performance as indicated by the corresponding data rates).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the apparatus of Cervello by allowing the test to comprise a determination of data throughput performance, and providing generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance, as suggested by Karaoguz, motivation being for the purpose of providing the best available signal strength for the user, and consequently making wireless users happy.

Referring to claim 18, Cervello discloses a communication system (Abstract, "system for dynamically selecting a communication link") comprising a wireless network including a plurality of user devices adaptable for communication with at least one access point device (FIGS. 1-2, Abstract, and paragraphs 0008-0010, "determining whether a new channel to be used by the plurality of wireless station is needed"), wherein a test of a communication link between at least one of the user devices and the access point device is initiated (Abstract, Figures 1-2, and paragraphs 0008-0010, and 0023-0026, "determining whether a new channel to be used by the plurality of wireless station is needed", "received signal strength indication (RSSI)").

Cervello does not specifically disclose, **the test comprising a determination of data throughput performance, and based at least in part on a result of the test, an instruction**

**displayable to a user associated with a given one of the user devices is generated, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.**

Karaoguz discloses the **test comprising a determination of data throughput performance** (page 4, paragraphs 41-44, "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", "additional information . . . data capabilities information such as data rate", note that test (evaluation and assessment) is initiated so that optimal locations are determined. Further note that data throughput performance (data rate) information is provided with corresponding optimal locations, hence it is inherent that the test comprises a determination of data throughput performance), and **based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance** (Abstract, Figures 1-5, 0006, 0008, and 0041-0042, "optimal location information", "optimal locations", "a recommendation signal", "Access Point", "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", note that test (evaluation and assessment) is performed to determine what is optimal location and a recommendation signal is transmitted to the wireless device as a result of the test. Further note that the test comprises determination of data throughput performance as indicated by the corresponding data rates).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Cervello by allowing the test to comprise a determination of

data throughput performance, and providing generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance, as suggested by Karaoguz, motivation being for the purpose of providing the best available signal strength for the user, and consequently making wireless users happy.

Referring to claim 19, Cervello discloses an article of manufacture comprising a machine-readable storage medium storing one or more software programs for use in a wireless network (FIGS. 1-2, Abstract, and paragraphs 0008-0010, and 0023-0026, "CPU", "RAM", "ROM", "determining whether a new channel to be used by the plurality of wireless station is needed") comprising a plurality of user devices adapted for communication with at least one access point device (FIGS. 1-2, Abstract, and paragraphs 0008-0010), wherein the one or more programs when executed implement the steps of initiating a test of a communication link between at least one of the user devices and the access point device (Abstract, and paragraphs 0008-0010, and 0023-0026, "determining whether a new channel to be used by the plurality of wireless station is needed", "received signal strength indication (RSSI)").

Cervello does not disclose **the test comprising a determination of data throughput performance, and generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.**

Karaoguz discloses **the test comprising a determination of data throughput performance** (page 4, paragraphs 41-44, "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", "additional information . . . data capabilities information such as data rate", note that test (evaluation and assessment) is initiated so that optimal locations are determined. Further note that data throughput performance (data rate) information is provided with corresponding optimal locations, hence it is inherent that the test comprises a determination of data throughput performance), and **generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance** (Abstract, Figures 1-5, 0006, 0008, and 0041-0042, "optimal location information", "optimal locations", "a recommendation signal", "Access Point", "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", note that test (evaluation and assessment) is performed to determine what is optimal location and a recommendation signal is transmitted to the wireless device as a result of the test. Further note that the test comprises determination of data throughput performance as indicated by the corresponding data rates).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the article of manufacture of Cervello by allowing the test to comprise a determination of data throughput performance, and providing generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user

devices, the instruction being indicative of a location at which the given user device is expected

to obtain a particular level of data throughput performance, as suggested by Karaoguz,

motivation being for the purpose of providing the best available signal strength for the user, and

consequently making wireless users happy.


Referring to claim 20, Cervello discloses a method for use in a wireless network

(Abstract, "system for dynamically selecting a communication link") comprising a plurality of

user devices adapted for communication with at least one access point device (FIGS. 1-2, and

paragraphs 0008-0010), the method comprising the steps of initiating a test of a communication

link between a user device at a current location and an access point device (FIGS. 1-2, Abstract,

and paragraphs 0008-0010, "determining whether a new channel to be used by the plurality of

wireless station is needed" , "received signal strength indication (RSSI)").

Cervello does not specifically disclose the **test comprising a determination of data**

**throughput performance, and generating, based at least in part on a result of the test, an**

**instruction displayable to a user associated with the user device, the instruction being**

**indicative of another location associated with an improved level of data throughput**

**performance relative to that of the current location.**

Karaoguz discloses **the test comprising a determination of data throughput**

**performance** (page 4, paragraphs 41-44, "device makes its evaluation and assessment of what is

or are optimal location(s)", "corresponding optimal locations along with the corresponding data

rates", "additional information . . . data capabilities information such as data rate", note that test

(evaluation and assessment) is initiated so that optimal locations are determined. Further note

that data throughput performance (data rate) information is provided with corresponding optimal locations, hence it is inherent that the test comprises a determination of data throughput performance), and **generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance** (Abstract, Figures 1-5, 0006, 0008, and 0041-0042, "optimal location information", "optimal locations", "a recommendation signal", "Access Point", "device makes its evaluation and assessment of what is or are optimal location(s)", "corresponding optimal locations along with the corresponding data rates", note that test (evaluation and assessment) is performed to determine what is optimal location and a recommendation signal is transmitted to the wireless device as a result of the test. Further note that the test comprises determination of data throughput performance as indicated by the corresponding data rates).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Cervello by allowing the test to comprise a determination of data throughput performance, and providing generating, based at least in part on a result of the test, an instruction displayable to a user associated with the user device, the instruction being indicative of another location associated with an improved level of data throughput performance relative to that of the current location, , as suggested by Karaoguz, motivation being for the purpose of providing the best available signal strength for the user, and consequently making wireless users happy.

4.      Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No.

2002/0060995 A1, Cervello et al., in view of U.S. Pub. No. 2004/0203889 A1, Karaoguz, and

further in view of U.S. Pub. No. 2004/0203698 A1, Comp.

Referring to claim 6, the combination of Cervello/Karaoguz disclose the method method

of claim 1.

The combination of Cervello/Karaoguz does not disclose the generated instruction is

displayable on a display screen of the user device.

Comp discloses a pre-notification of potential connection loss in a wireless network

where instruction is displayable on a display screen of the user device for a potential connection

loss (Paragraphs 0022, "display", "notification", "potential loss").

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to modify the method of Cervello by providing the generated instruction to be

displayable on a display screen of the user device, as suggested by Comp, motivation being for

the purpose of providing the best available signal strength for the user, and consequently making

wireless users happy.

5.      Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No.

2002/0060995 A1, Cervello et al., in view of U.S. Pub. No. 2004/0203889 A1, Karaoguz, and

further in view of U.S. Pub. No. 2003/0017858 A1, Kraft et al.

Referring to claim 7, the combination of Cervello/Karaoguz disclose the method of claim
1.
The combination of Cervello/Karaoguz does not disclose the generated instruction is

displayable on a display screen that is not part of the user device.

Kraft discloses a data entry method where data is displayed in different display units (Paragraphs 0010 and 0027, "third display").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Cervello by providing the generated instruction to be displayable on a display screen that is not part of the user device, as suggested by Kraft, motivation being for the purpose of providing the strongest available signal strength for the user, and consequently making wireless users happy.

6.      Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0060995 A1, Cervello et al., in view of U.S. Pub. No. 2004/0203889 A1, Karaoguz, and further in view of U.S. Pub. No. 2004/0052232 A1, Ramaswamy et al.

Referring to claim 13, the combination of Cervello/Karaoguz disclose the method of claim 1.

The combination of Cervello/Karaoguz does not disclose the generating step utilizes information derived from a global positioning system (GPS) in determining the location at which the given user device is expected to obtain a particular level of data throughput performance.

Ramaswamy discloses utilizing global positioning system (GPS) in determining the location at which the given user device is expected to obtain a particular level of data throughput performance (Paragraphs 0017, 0019-0020, and 0022).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Cervello by providing the generating step to utilize information derived from a global positioning system (GPS) in determining the location at which

the given user device is expected to obtain a particular level of data throughput performance, as suggested by Ramaswamy, motivation being for the purpose of providing a reliable tracking system.

7.    Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0060995 A1, Cervello et al., in view of U.S. Pub. No. 2004/0203889 A1, Karaoguz, and further in view of U.S. Patent No. 6,813,501 B2, Kinnunen et al.

Referring to claim 14, the combination of Cervello/Karaoguz disclose the method of claim 1.

The combination of Cervello/Karaoguz does not disclose the generated instruction comprises an indication of a particular area within a given facility.

Kinnunen discloses a location dependent services method, where a particular area within a given facility is chosen for mobile terminals (col. 4, lines 42-67).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Cervello by providing the generated instruction to comprise an indication of a particular area within a given facility, as suggested by Kinnunen, motivation being for the purpose of providing a strong signals in particular areas where communication is likely to experience weak signals.

8.    Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0060995 A1, Cervello et al., in view of U.S. Pub. No. 2004/0203889 A1, Karaoguz, and further in view of well known prior art (MPEP 2144.03).

Referring to claim 9, the combination of Cervello/Karaoguz disclose the method of claim

1.

The combination of Cervello/Karaoguz does not disclose the test is initiated in

conjunction with access to a server connected to the access point via a network.

The examiner takes official notice of the fact that it is well known in the art for access

points to be connected to servers via a network.

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to provide the test to be initiated in conjunction with access to a server connected to

the access point via a network, motivation being for the purpose of providing an efficient and

robust network.

### Response to Arguments

9.     Applicant's arguments with respect to claims 1-20 have been considered but are moot in

view of the new ground(s) of rejection.

### Conclusion

10.    Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.  Accordingly, **THIS ACTION IS MADE FINAL.**  See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.


11.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The

examiner can normally be reached on Monday through Friday from 9 to 5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
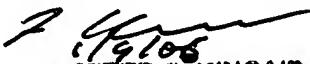

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